

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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WASHINGTON, DC 20515-6216

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March 3, 2022

Mr. Tim Cook
Chief Executive Officer
Apple Inc.
1 Infinite Loop
Cupertino, CA 94025

Dear Mr. Cook:

The NSO Group, an Israeli software company, gained widespread notoriety in 2021 after several media organizations published allegations that one of its products—named “Pegasus”—had been used by foreign governments to surveil dissidents, journalists, U.S. officials, and others.¹ Pegasus is a spyware tool that allows an operator to compromise a target’s mobile device without requiring any input from the target.² After compromising a device, the operator can retrieve data on the device, track the device’s location, and commandeer the device’s camera and microphone.³

As part of the allegations in 2021, media outlets reported that Pegasus was incapable of compromising mobile devices with U.S. phone numbers.⁴ However, on January 28, 2022, the *New York Times* reported that the NSO Group has made a version of Pegasus capable of targeting U.S. mobile devices, called “Phantom.”⁵ This same report alleged that the Federal Bureau of Investigation had acquired access to NSO Group spyware in 2019, tested it, and retains the hardware necessary to use it.⁶ The FBI has since acknowledged that it acquired and tested NSO Group spyware.⁷

Reporting by media outlets and Apple’s own public statements indicate that Apple is able to ascertain when the user of an Apple device has been targeted by Pegasus.⁸ The Committee is

¹ See, e.g., Drew Harwell and Craig Timberg, *NSO Group vows to investigate potential spyware abuse following Pegasus Project investigation*, WASH. POST (Jul. 20, 2021); see also Craig Timberg et al., *Pegasus spyware used to hack U.S. diplomats working abroad*, WASH. POST (Dec. 3, 2021).

² Timberg et al., *supra* note 1.

³ *Id.*

⁴ See *Id.*

⁵ Ronen Bergman and Mark Mazzetti, *The Battle for the World’s Most Powerful Cyberweapon*, N.Y. TIMES (Jan. 28, 2022).

⁶ *Id.*

⁷ Ellen Nakashima, *FBI acknowledges it tested NSO Group’s spyware*, WASH. POST (Feb. 2, 2022).

⁸ See, e.g., Press Release, Apple Inc., Apple sues NSO Group to curb the abuse of state-sponsored spyware (Nov. 23, 2021) (“Apple is notifying the small number of users that it discovered may have been targeted by

examining the FBI's acquisition, testing, and use of NSO's spyware, and potential civil liberty implications of the use of Pegasus or Phantom against U.S. persons. To assist the Committee in conducting this investigation, please provide the following information:

1. Apple's ability to detect when a user of an Apple device has been targeted by Pegasus or Phantom;
2. The number of attacks using Pegasus or Phantom that Apple has detected, the dates of those attacks, the geographical regions in which Apple detected those attacks, and any other relevant information about those attacks; and
3. A staff level briefing about Apple's communications, if any, with representatives of the Justice Department, Federal Bureau of Investigation, or any other U.S. Government entity about Pegasus or Phantom.


Please arrange to provide this briefing as soon as possible but not later than 5:00 p.m. on March 17, 2022. If you have any questions about this request, please contact Judiciary Committee staff at (202) 225-6906.

Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Ranking Member



Mike Johnson
Ranking Member
Subcommittee on the Constitution,
Civil Rights, and Civil Liberties

cc: The Honorable Jerrold Nadler, Chairman

The Honorable Steve Cohen, Chairman
Subcommittee on the Constitution, Civil Rights, and Civil Liberties